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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,188	09/13/2000	Hannes Eberle	53470.000020	8189

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RESTON, VA 20190

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/661,188

Applicant(s)

EBERLE ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-18 rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al., Patent #6,507,817.**

Regarding claims 1 and 9, Wolfe teaches a system and method for generating an active voice page that provides at least one interactive and real-time voice service to at least one user, the active voice page comprising at least one markup language document (Fig.3 and col.8 lines 7-44), the system and method comprising: a subscription interface that enables the at least one user to subscribe to at least one voice service, wherein each user specifies at least personalized content associated with the at least one voice service(col.2 lines 19-43 and col.7 line 57-col.8 line 44); an input module that receives data reports and a structure for the at least one voice service and a markup language converting module that converts the data reports and the structure into a markup language(62 and 64 Fig.1, col.3 lines 17-40 and col.8 lines 7-44) ; and a blending module for blending the converted data reports and the converted structure into the active voice page, wherein the personalized content is

conveyed to the at least one user and the at least one user may respond to the at least one voice service (col.3 lines 28-40 and col.8 lines 7-44; the personalized content is conveyed to the user and response interaction can occur).

Regarding claims 2 and 10, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language is extensible markup language (col. 6 lines 32-39)

Regarding claims 3 and 11, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language is TML (*col.6 lines 32-67; TML is telephony markup language which this is*).

Regarding claims 4 and 12, Wolfe teaches the system and method of claims 1 and 9, wherein the data reports are online analytical processing system reports (col.6 lines 19-67)

Regarding claims 5 and 13, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language generator that receives the structure and generates a markup language document from the structure (*col.6 lines 32-67*)

Regarding claims 6 and 14, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language transforming module that receives data reports from the input module and transforms the data reports into markup language documents (*col.6 lines 32-67*).

Regarding claims 7 and 15, Wolfe teaches the system and method of claims 6 and 14, wherein the markup language transforming module receives stylesheets from

the input module and transforms the data reports into markup language documents using the stylesheets (col.7 lines 1-36).

Regarding claims 8 and 16, Wolfe teaches the system and method of claims 1 and 9 further comprising: receiving one or more style properties that are unique to the at least one user and generating a call request for the at least one user from the active voice page and the style properties (col.7 lines 1-36).

Regarding claims 17 and 18, Wolfe teaches the system and method of claims 1 and 9 further comprising a monitoring module that is adapted to monitor predetermined conditions initiate execution of the at least one voice service (Fig.1and col.8 lines 31-44)

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ladd et al., Patent #6,269,336 teaches a voice browser for interactive services with TML.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP  
October 22, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written below the printed name and title.